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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,485	12/30/2003	Jon Arthur Roepke	9D-HL-25191	8742
<div>7590      04/11/2007</div> <div>John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102</div>			<div>EXAMINER</div> <div>RIGGLEMAN, JASON PAUL</div> <div>ART UNIT      PAPER NUMBER</div> <div>1746</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/11/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,485	<b>Applicant(s)</b> ROEPKE ET AL.	
	<b>Examiner</b> Jason P. Riggelman	<b>Art Unit</b> 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-12 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's reply filed on 3/19/2007 is acknowledged. Current pending claims are 1, 3-7, and 9-25. Claims 2 and 8 have been canceled. Claims 1-10, 12, and 14 have been amended. Claims 13-24 were previously withdrawn as being drawn to a non-elected invention. Claim 25 is new. Claims 1 and 7 are amended. Claims 3-6 and 9-12 are original.
2. Applicant's arguments and amendments, filed 3/19/2007, have been fully considered and are not persuasive in regards to the 102(b) rejections of claims 1-3, 6-9, and 12 over Vona, Jr. et al. (US Patent No. 4205540); the 102 (b) rejections of claims 1-3, 5-9, and 11-12 over Vona, Jr. et al. (US Patent No. 4160367); and the 102 (b) rejections of claims 1-12 over Morimasa et al. (Japanese Patent Application Publication 08-206390). These rejections are maintained.
3. The applicant has amended the independent claims 1 and 7 to include "an annular space defined between the tub and the basket, said annular space in fluid communication with said reservoir" and the corresponding controller detail which is configured to deliver additive "by delivering the diluted additive to said annular space". The applicant argues that the references do not teach these features. The examiner disagrees -- Vona, Jr. et al. (US Patent No. 4205540); Vona, Jr. et al. (US Patent No. 4160367); and Morimasa et al. (Japanese Patent Application Publication 08-206390) all have perforated inner baskets; therefore, the liquid discharged into the perforated basket is in fluid communication with the outer tub -- and the annular space between.

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4. It should be noted that the applicant is arguing that the prior art does not teach "an additive dispensing system configured to deliver diluted additive to an annular space defined between a tub and a basket such that the additive is not directly applied to the articles within the basket". However, the applicant has not claimed this detail nor a structure that requires this; therefore, this argument has no weight. It is suggested that the applicant claim this detail – especially the structure of the dispenser as shown in Fig. 2 of the specification to overcome the rejections.

***Remarks***

5. For purposes of examination, "top cover" in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant's specification, paragraph [0022], Fig. 3. This assumption was confirmed as correct in the applicant's reply filed on 3/19/2007.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are dependent on canceled claims. For purposes of examination, claims 3-4 are assumed to be dependent on claim 1 and claims 9-10 are assumed to be dependent on claim 7.

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8. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "snap-fit" engagement is not clear.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 6-9, and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Vona, Jr. et al. (US Patent No. 4205540).

11. Vona, Jr. et al. teaches an additive dispensing system 60 for a washing machine 10 including a tub 26, for holding wash liquid, and a basket 28, for holding articles to be washed. An annular space is defined between the tub and the basket with the annular space in fluid communication with said reservoir -- see perforated inner basket, Fig. 1. The additive dispensing system 60 includes a top cover 15; a reservoir 62 removably coupled to the top cover 15 -- by means of threaded fastening members (Column 2, Lines 65-70); a water valve 115 (solenoid valve) coupled to reservoir 62; and a controller 14 coupled to the water valve 115 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 4, Lines 5-26). A siphon-type tubular conduit 110 is coupled to reservoir 62 and delivers a diluted additive to the washing machine tub 26 (outer washer laundering container)(Column 3, Lines 40-

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46) between the basket 28 and the tub 26 – to the annular space between the tub and basket, Fig. 1. The top cover 15 includes an opening 64 (top fill opening) which is in fluid communication with the reservoir 62 for introducing additive into the reservoir 62 (Column 2, Lines 51-60).

12. Claims 1-3, 5-9, and 11-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Vona, Jr. et al. (US Patent No. 4160367).

13. Vona, Jr. et al. teaches an additive dispensing system 60 for a washing machine 10 including a tub 26, for holding wash liquid, and a basket 28, for holding articles to be washed. An annular space is defined between the tub and the basket with the annular space in fluid communication with said reservoir -- see perforated inner basket, Fig. 1. The additive dispensing system 60 includes a top cover 12, a reservoir 62 removably coupled to the top cover 12 -- by means of threaded fastening members (Column 2, Lines 60-70); a water valve 150 (solenoid valve) coupled to reservoir 62; and a controller 156 coupled to the water valve 150 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 5, Lines 49-70). A siphon-type tubular conduit 78 is coupled to reservoir 62 and delivers a diluted additive to the washing machine tub 26 (water container)(Column 3, Lines 3-19) between the basket 28 and the tub 26 – to the annular space between the tub and basket, Fig. 1. The reservoir 62 includes an overflow port 82 (notched-out weir portion)(Column 3, Lines 30-38). The top cover 12 includes an opening 64 (elongated fill opening) which is

in fluid communication with the reservoir 62 for introducing additive into the reservoir 62 (Column 2, Lines 51-60).

14. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Morimasa et al. (Japanese Patent Application Publication No. 08-206390).

15. Morimasa et al. teaches an additive dispensing system 22 for a washing machine including a tub 4, for holding wash liquid, and a basket 7, for holding articles to be washed. An annular space is defined between the tub and the basket with the annular space in fluid communication with said reservoir -- see perforated inner basket, paragraph [0015] of English machine translation. The additive dispensing system 22 includes a top cover 18, a reservoir 26 removably coupled to the top cover 18 -- Figs. 1-2, a water valve 31 (feed valve) coupled to reservoir 26; and a controller 21 coupled to the water valve 31 (feed valve) and configured to control the water valve to introduce water into the reservoir 26 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (paragraph [0034]). A siphon-type tubular conduit 59-60 is coupled to reservoir 26 and delivers a diluted additive to the washing machine tub 4, (paragraph [0020]), between the basket 7 and the tub 4 -- to the annular space between the tub and basket, paragraph [0015] of English machine translation. The reservoir 26 includes an overflow port 55. The top cover 18 includes an opening, Fig. 6, which is in fluid communication with the reservoir 26 for introducing additive into the reservoir 26. The reservoir 26 includes a removable cover 57 coupled to top cover 18 and the conduit 59-60 is a siphon tube, Fig. 1, coupled to removable cover 57.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vona, Jr. et al. (US Patent No. 4160367).

18. Vona, Jr. et al. teaches an additive dispensing system 60 for a washing machine 10 including a tub 26, for holding wash liquid, and a basket 28, for holding articles to be washed. The additive dispensing system 60 includes a top cover 12, a reservoir 62 removably coupled to the top cover 12 -- by means of threaded fastening members (Column 2, Lines 60-70); a water valve 150 (solenoid valve) coupled to reservoir 62; and a controller 156 coupled to the water valve 150 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 5, Lines 49-70).

19. Vona, Jr. et al. does not teach a reservoir in "snap-fit" engagement with the top cover; however, it has been held that making elements separable would have been obvious (*In re Dulberg* 129 USPQ 148). Also, an obvious choice in design has been held unpatentable (*In re Kuhle* 188 USPQ 7). IT would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vona Jr. et al. to create an easily removable/installable detergent reservoir of the snap-fit type for easy cleaning.



***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eichmann et al. (US Patent No. 4700554) and Platt et al. (US Patent No. 4467627) teach siphon-type dispensing units, and Herman-Latack et al. (US Patent No. 5875655) teaches an overflow dam in a dispenser.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggelman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman  
Examiner  
Art Unit 1746

JPR



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER